

Read first time and referred to committee on Incorporated Cities and Towns.

Senator Garwood moved to suspend pending business and take up Senate bill No. 93 entitled an act to authorize towns and villages incorporated for free school purposes only, to levy taxes and issue bonds for school purposes which motion prevailed.

Senator Johnson moved to adjourn to 9:30 a. m. to-morrow.

Senator Seale moved to adjourn to 10 a. m. to-morrow, which prevailed by the following vote:

## YEAS—15.

Atlee,	Harrison,	Pope,
Cranford,	Ingram,	Seale,
Finch,	Johnson,	Simkins,
Garwood,	Kimbrough,	Townsend,
Glascock,	Maetze,	Tyler.

## NAYS—11.

Carter,	Frank,	Potter,
Clark,	Kearby,	Stephens,
Clemens,	McKinney,	Weisiger
Crane,	Page,	

## THIRTY-SEVENTH DAY

SENATE CHAMBER,  
Austin, February 25, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

## PRESENT—25.

Atlee,	Glascock,	Pope,
Carter,	Harrison,	Potter,
Clark,	Ingram,	Seale,
Clemens,	Johnson,	Simkins,
Crane,	Kearby,	Stephens,
Cranford,	Kimbrough,	Townsend,
Finch,	Maetze,	Tyler,
Frank,	McKinney,	Weisiger,
Garwood,	Page,	

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Cranford the further reading of the same was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Clemens:

Memorial of the Llano county Farmers Alliance.

Read first time and referred to committee on State Affairs.

By Senator Atlee:

Petition of the mayor and aldermen and other city and county officials of Eagle Pass and Maverick City, Texas, praying for an amendment to the act authorizing the condemnation of private property for certain public purposes so as to include hospitals and pest houses.

Read first time and referred to committee on Cities and Towns.

By Senator Stephens:

Memorial from the city of Vernon requesting the State to pay claims due the city for money spent by the city in taking care of smallpox patients under the direction of the State health officer.

Read first time and referred to committee on Finance.

By Senator Glascock:

Petition from citizens of Austin city asking for passage of the charter for said city.

Read first time and referred to committee on Incorporated Cities and Towns.

By Senator Stephens:

Memorial from T. S. Cox, president of the Northwest Texas Teacher's Association praying for the passage of a law granting State certificates to certain teachers in this State.

Read first time and referred to committee on Education.

Senator Kimbrough made the following report:

COMMITTEE ROOM,  
Austin, February 24, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on State Affairs, to whom was referred

Senate bill No. 304, being "An act to authorize the Governor to appoint a State revenue agent, and to prescribe his powers and duties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the following amendments:

Amend section 3, page 3, line 18, by striking out "at or near Austin," and insert in lieu thereof "in Travis county."

Further amend by adding after section 3, the following: "If the

revenue agent herein provided for. Shall wilfully make a false or fraudulent report of the financial condition of the books of any public official, department or institution, handling, receiving or disbursing any state funds appropriated or unappropriated, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than five hundred nor more than one thousand dollars, and may be imprisoned in the county jail for any period not to exceed six months.

As thus amended that the bill do pass,

All of which is respectfully submitted.

KIMBROUGH, Acting Chairman.

Senator Carter made the following privileged reports:

COMMITTEE ROOM,  
Austin, February 23, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 172, being "An act to provide an annual pension of one hundred and fifty dollars for M. B. Irwin, a surviving soldier of the Texas revolution,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,  
Austin, February 24, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 214, being "An act to amend article 686 of the revised civil statutes of the State of Texas by adding thereto other articles, to be known as article 686a, 686b, 686c, 686d and 686e, and to provide for establishing, surveying and marking the boundary lines of unorganized counties in this state,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,  
Austin, February 24, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on En-

grossed Bills have carefully examined and compared

Senate bill No. 69, being "An act to provide for the appointment of district stenographers for the several judicial districts of this state, to define their duties, fix their compensation and provide for the payment of the same,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,  
Austin, February 20, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate substitute bill No. 159, being "An act to define, prevent and punish fraud and evasion in the assessment and collection of the public revenues arising upon money in coin, notes or bonds subject to taxation in the state of Texas and to provide a punishment therefor,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,  
Austin, February 23, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 160, being "An act to amend sections 45 and 46, chapter 132, of the acts of the regular session of the Twentieth Legislature entitled an act to establish and maintain a system of public free schools for the State of Texas, and to repeal so much of chapter 2, title 78, of the revised civil statutes of the State of Texas as refer to public free schools outside of incorporated cities and towns assuming or having assumed control of their public free schools, and all laws and parts of laws in conflict with this act,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM,  
Austin, February 23, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate substitute bills Nos. 108 and 150, being "An act to establish two additional normal schools in the State of Texas; to provide for their location, to provide for the acquisition of suitable grounds and buildings for the use of the same, and to make an appropriation therefor,"

And find the same correctly engrossed.

CARTER, Chairman.

The following message was received from the House:

HALL OF THE HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS,  
February 25, 1891. }

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am directed to inform the Senate that the House has refused to concur in Senate amendment No. 1 to House bill No. 242, known as the Confederate home bill, and concurred in Senate amendments 2, 3 and 4 to the said bill; also that the House refused to adopt the report of the conference committee on Senate bill No. 10, entitled "An act to prohibit the making of contracts, limiting the time to sue thereon to less than that fixed by law, and providing the character of notice of a claim before suit and the manner of giving thereof," and ask that a new conference committee be appointed, and that Messrs. Browning of Douley, Baker of Tom Green, Owsley, Jones and Shaw have been appointed a committee on part of the House.

SAM H. DIXON, Chief Clerk,  
House of Representatives.

Senator Pope made the following reports:

COMMITTEE ROOM,  
Austin, February 19, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Senate Bill No. 229, being "An act to provide for official abstracts of land titles in each county of the state of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

POPE, Chairman.

COMMITTEE ROOM,  
Austin, February 23, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred

Senate bill No. 101, being "An act amend article 1054, chapter 2, title 15 of the code of criminal procedure, and also to amend article 1094, chapter 4 of the code of criminal procedure, and also to amend article 2398, chapter 3 of the civil code, and also to amend article 4520, chapter 1 title 91 of the civil statutes of the state of Texas, relating to the payment of sheriffs' costs and fees,"

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass.

POPE, Chairman.

Bill read first time.

COMMITTEE ROOM,  
Austin, February 23, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your Judiciary committee No. 1, to whom was referred Senate

Bill No. 228 being "An act to amend article 179 revised statutes.

Have had the same under consideration, and I am instructed to report the same back to the House with the recommendation that it do not pass as have reported a bill of same substance favorably. POPE, Chairman.

BILLS AND RESOLUTIONS.

By Senator Potter:

A bill to be entitled "An act to amend an act to provide for the admission from other States of companies or associations carrying on the business of life or casualty insurance on the assessment or natural premium plan."

Read first time and referred to committee on Insurance, Statistics and History.

By Senator Carter:

A bill to be entitled "An act to amend article 540, chapter 11 of title 17, and to create article 540a of said title of the revised civil statutes of the State of Texas, relating to towns and villages."

Read first time and referred to committee on Incorporated Cities and Towns.

By Senator Stephens (by request):

An act to provide for granting State certificates to certain teachers in this State.

Read first time and referred to committee on Education.

By Senator Atlee:

A bill to be entitled "An act to

amend section 1 of an act approved April 8, 1889, to amend an act to regulate the condemnation of property in cities and towns for the purpose of opening, widening or changing public streets, avenues or alleys, or for water mains or sewers, approved March 28, 1883, so as to regulate condemnation of property for erection thereon of hospitals and pest houses.

Read first time and referred to committee on Incorporated Cities and Towns.

By Senator Crane:

A bill to be entitled "An act to authorize railway companies to construct and operate extensions or branch lines to points within fifteen miles of their roads without charter amendment."

Read first and referred to committee on Internal Improvements.

By Senator Kearby:

An act to be entitled "An act for the relief of Wiley Thompson, C. Cannon, H. M. Jarrett, J. M. Brown, W. A. D. Armstrong, Frank Templeton and E. C. Dickenson from pecuniary liability on the official bond of Wm. Neal Ramey as assistant superintendent of the Texas state penitentiary at Rusk.

Read first time and referred to committee on State Affairs.

By Senator Finch:

A bill to be entitled "An act rendering certain persons incompetent to become officers or aldermen of any city in the state of Texas and to disqualify such persons to hold such office or being such aldermen."

Read first time and referred to Judiciary committee No. 1.

By Senator Seale (by request):

A bill to be entitled "An act to extend the corporate limits of the city of Beaumont.

Read first time and referred to committee on Incorporated Cities and Towns.

Senator Stephens moved to correct the Journal of February 14, page 7, by adding to special order for Senate bill No. 1 the following:

"To have preference over all other special orders not then made."

Senator Johnson objected to such correction of the Journal, and made the point of order that journals could only be corrected next day after printing.

Chair stated that the Senate must itself decide this point.

Senator Crane moved that substitute Senate bills Nos. 52 and 54 be postponed till Monday next.

Withdrawn.

Senator Crane moved to postpone pending business and take up out of its regular order substitute Senate bills Nos. 52 and 54.

Senator Stephens withdrew his motion to correct Journal of 14th inst.

Senator Crane withdrew his motion to take up substitute Senate bills Nos. 52 and 54.

Senator Potter moved to call up the report of the action of the House on the action of the conference committee on Senate bill No. 10, prohibiting the making of contracts limiting the time to sue thereon less than that fixed by law, and providing the character of notice of claim before suit, and the manner of giving thereof,

And that further conference be granted.

Adopted.

Senator Weisiger moved to suspend regular order and take up out of its regular order.

House Bill No. 242 entitled "An act to authorize the transfer of the Confederate Home at Austin from private to State management and to establish said home as a State Institution, and provide for its support."

Adopted.

Amendments read first time.

Senator Weisiger moved that the Senate recede from its amendment and concur in the action of the House.

Adopted.

Senator Stephens moved to postpone pending business, and take up out of its regular order joint resolution No. 2.

Lost.

Senator Crane moved to suspend the rules for the purpose of taking up and resetting substitute Senate bill Nos. 52 and 54.

Senator Johnson made the point of order that it was not in order to suspend the rules while the Senate was acting under a suspension of the rules, which it was now doing.

Senator Crane made the point of order that the Senate was not acting under a suspension of the rules.

Senate bill No. 92 was the regular order and did not require a suspension of the rules.

The chair announced that for the present the point of order made by Senator Johnson would be sustained and also announced that Senate bill No. 92 was erroneously declared order of the day. The regular order was Senate bill No. 100.

Senator Crane withdrew his motion

to take up Senate substitute bills Nos. 52 and 54.

#### ORDER OF THE DAY.

Senate bill No. 100, entitled "An act to amend an act entitled 'An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas, as amended by the Twentieth Legislature, approved March 23, 1887, and as amended at the special session of the Twentieth Legislature, approved April 30, 1888, and to add article 566a relating to foreign corporations.'"

On second reading.

Senator Johnson called up the motion of Senator Crane to reconsider the vote by which Senator Johnson's amendment was adopted yesterday.

The motion to reconsider prevailed.

Senator Stephens offered the following substitute:

Substitute by striking out all of that part of article 566a after the word "act" in line 8 down to and including the word "law" in line 11.

(Senator Crane in the chair.)

Senator Carter offered the following amendment:

"Amend by adding to this section as follows: Provided this section shall not be construed to prohibit insurance companies which have or may comply with the laws of Texas from doing business in Texas and provided further it shall not prohibit traveling merchants from vending their goods and wares in this State," which was read and ordered to lie on the table subject to call.

(The President in the chair.)

Senator Potter moved the previous question on the substitute and amendment which was adopted.

Senator Carter moved to lay the substitute on the table which was declared out of order by the chair.

The substitute was lost by the following vote:

#### YEAS—11.

Crane,	Ingram,	Seale,
Frank,	Kimbrough,	Stephens,
Garwood,	Pope,	Townsend,
Glasscock,	Simkins,	

#### NAYS—14.

Atlee,	Finch,	Page,
Carter,	Harrison,	Potter,
Clark,	Johnson,	Tyler,
Clemens,	Kearby,	Weisiger,
Crawford,	McKinney,	

The amendment of Senator Johnson was adopted by the following vote.

#### YEAS—14.

Atlee,	Finch,	Johnson,
Carter,	Frank,	Kearby,
Clark,	Glasscock,	McKinney,

Clemens,	Harrison,	Potter,
Crawford,	Ingram,	

#### NAYS—11.

Crane,	Pope,	Townsend,
Garwood,	Seale,	Tyler,
Kimbrough,	Simkins,	Weisiger,
Page,	Stephens,	

Senator Carter called up his amendment:

Senator Atlee offered the following substitute:

Add to said article the following: All laws and parts of laws in conflict with this act are hereby repealed; provided, this act shall not apply to corporations organized under particular statutes, and such statutes are not repealed by this act.

The substitute was lost.

Senator Garwood offered the following substitute:

Amend by striking out section 566a.

The Chair announced intention of signing and signed in presence of the Senate.

House bill No. 339, entitled "An act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161 of an act entitled an act to incorporate the city of Dallas, and grant it a new charter," approved March 13, 1889.

(Senator Frank in the chair.)

Senator Stephens offered the following amendment, which was read and ordered to lie on the table, subject to call:

Amend by adding to the end of article 566a the following: Provided further, nothing herein shall be construed to in any way interfere with vested rights already accrued under the laws of this State governing foreign corporations now doing business under the laws of this State.

Senator Townsend moved the previous question on the amendments and the bill which was ordered.

The amendment of Senator Carter was lost.

Senator Stephens called up his amendment.

Senator Glasscock offered the following substitute for Senator Stephens' amendment:

Provided that all foreign corporations now doing business in the state shall have two years from the time this act takes effect to close up their business and to incorporate under the incorporation laws of this state.

Lost.

Senator Stephens' amendment was lost.

Question recurring to the amendment of Senator Garwood it was lost by the following vote:

## YEAS—10.

Atlee.	I gram,	Simkins,
Garwood,	Kimbrough	Stephen,
Glasscock,	Seale,	Townsend.
		Tyler.

## NAYS—13.

Carter,	Finch,	Mac. 23,
Clark,	Frank,	McKinney,
Clemens,	Harrison,	Page,
Crane,	Johnson,	Potter,
Cranford,	Kearby,	Weisiger.

The following messages were received from the House:

## HOUSE OF REPRESENTATIVES,

Austin, February 25, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—I am instructed to inform the Senate that the House has concurred in Senate amendment to substitute Senate bills Nos. 85 and 93, being 'An act to amend chapter 1, title 17 of the revised civil statutes of the state of Texas by the addition of article 340c thereto.'

SAM H. DIXON,  
Chief Clerk,

House of Representatives.

The Senate refused to engross the pending bill by the following vote:

## YEAS—11.

Atlee,	Cranford,	Kimbrough,
Carter,	Finch,	Maetze,
Clemens,	Harrison,	Potter.
Crane,	Johnson,	

## NAYS—14.

Clark,	Kearby,	Stephens,
Frank,	McKinney,	Townsend,
Garwood,	Page,	Tyler.
Glasscock,	Seale,	Weisiger.
Ingram,	Simkins	

Senator Tyler made a motion to reconsider the vote by which the bill was refused engrossment and asked to have that motion spread upon the Journal.

House bill No. 44, "An act to be entitled an act to define and punish usury."

Taken up in regular order and read third time and passed.

Senate bill No. 92, entitled "An act to authorize towns and villages incorporated for free school purposes only to levy taxes and issue bonds for free school purposes"

Taken up in regular order and read second time,

Senator Potter offered the following amendment:

Amend by striking out section 5 of the bill.

Senator Kimbrough moved to adjourn to 10 a. m. tomorrow.

L. st.

Senator Page moved to lay the amendment of Senator Potter on the

table, which was lost by the following vote:

## YEAS—7.

Atlee,	Glasscock,	Page,
Clemens,	Kimbrough,	Stephens,
Garwood,		

## NAYS—18.

Carter,	Harrison,	Potter,
Clark,	Ingram,	Seale,
Crane,	Johnson,	Simkins,
Cranford,	Kearby,	Townsend,
Finch,	Maetze,	Tyler.
Frank,	McKinney.	Weisiger,

Senator Stephens offered the following amendment:

Amend by adding to section 5 so as to read as follows: "It shall be the duty of the trustees of any town or village in this State accepting the the conditions of this act to insure their school buildings against loss by storms, tornadoes and fire, the insurance policy to be made in favor of the comptroller of the State for the benefit of the permanent school fund of the State."

Adopted.

Senator Potter's amendment was lost by the following vote:

## YEAS—12.

Clark,	Frank,	McKinney.
Cranford,	Harrison,	Potter.
Finch,	Ingram,	Simkins.
	Johnson,	Weisiger.

## NAYS—13.

Atlee,	Glasscock.	Page,
Carter,	Kearby,	Seale.
Clemens,	Kimbrough.	Stephens.
Garwood	Maetze,	Townsend.
		Tyler.

Senator Glascock offered the following amendment:

Amend section 5, page 2 by inserting after the word "state" in line 31, the following:

And the commissioners court may also have power to invest the proceeds of the sale derived from land set aside to their respective counties for county school purposes.

Adopted.

Senator Carter offered the following amendment:

Amend the fifth section by adding "provided such buildings shall not be of smaller value than \$1000, and insured for their full value."

Lost.

The Senate refused to engross the bill by the following vote:

## YEAS—11.

Atlee,	Kimbrough,	Stephens,
Clemens,	Maetze,	Townsend.
Garwood,	Page,	Tyler,
Glasscock.	Seale,	

## NAYS—14.

Carter,	Frank,	McKinney,
Clark,	Harrison,	Potter.
Crane,	Ingram,	Simkins,
Cranford,	Johnson,	Weisiger.
Finch,	Kearby,	

Senator Carter moved to reconsider the vote by which the senate refused

engrossment of the bill and asked to have that motion spread upon the journal.

Senator Harrison moved to postpone pending business and take up out of its regular order Senate bill No. 288 entitled "An act to amend an act to incorporate the city of Waco and to define its boundaries and powers, approved February 19, 1889, for the purpose of recommitting the bill."

Adopted.

Senator Harrison moved to recommit the bill to committee on Incorporate Cities and Towns.

Adopted.

The chair announced the following committee on second conference asked for by the House on Senate bill No. 10:

Senators Potter, McKinney, Clark, Atlee and Cranford.

On motion of Senator Clark, the Senate adjourned until tomorrow morning at 10 o'clock.

### THIRTY-EIGHTH DAY

#### SENATE CHAMBER,

Austin, February 26, 1891.

The Senate met pursuant to adjournment.

Lieutenant Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answering to their names:

#### PRESENT—24.

Atlee.	Garwood.	Potter.
Carter.	Glascock.	Seale.
Clark.	Harrison.	Simkins.
Clemens.	Johnson.	Sims.
Crane.	Kearby.	Stephens.
Cranford.	Kimbrough.	Townsend.
Fiuch.	Maetze.	Tyler.
Frank.	Pope.	Weiger.

Prayer by the chaplain, Dr. Smoot.

Pending the reading of the journal on motion of Senator Stephens the further reading of the same was dispensed with.

#### PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition from citizens of Hardeman county against the passage of the act known as the validating act.

Read first time and referred to committee on Public Lands.

By Senator Seale:

Petition of citizens of San Jacinto county for a law restoring the civil and criminal jurisdiction to the county court of said county.

Read first time and referred to Judiciary committee No. 1.

S J—17

By Senator Stephens:

Petition of citizens of Floyd county praying for a uniform system of school books, etc.

Read first time and referred to committee on Education.

#### COMMITTEE REPORTS.

Senator Carter made the following report:

#### COMMITTEE ROOM,

Austin, February 26, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 254, being "An act to amend section 6 of chapter 59 of the acts of 1839, entitled 'An act to provide for the appointment of receivers and to define their powers and duties, and to regulate proceedings under such appointment of receivers,' as passed by the Twentieth legislature, and approved April 2, 1887,"

And find the same correctly engrossed.

CARTER, Chairman.

Senator Maetze made the following report:

#### COMMITTEE ROOM,

AUSTIN, February 26, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Rules, to whom was referred

Resolution offered by Senator Kearby, that hereafter Saturday of each week be and the same is hereby designated as the day for considering local and special bills, and that all such bills be not considered on any other day than Saturday except by unanimous consent of the Senate,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

MAETZE, Chairman.

Senator Kimbrough offered the following amendment to the resolution:

Strike out the word 'unanimous.'

On the question, shall the amendment be adopted, the vote was as follows:

#### YEAS—11.

Frank.	Potter.	Stephens.
Garwood.	Seale.	Townsend.
Harrison.	Simkins.	Weisiger.
Kimbrough.	Sims.	

#### NAYS—11.

Atlee.	Cranford.	Maetze.
Clark.	Fiuch.	Pope.
Clemens.	Johnson.	Tyler.
Crane.	Kearby.	

There being a tie, the chair voted "no," and the amendment was lost.